

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KING RANGE, JR.,

Plaintiff,

-against-

230 WEST 41ST STREET LLC, HAT TRICK
PIZZA, INC., DOMINO'S PIZZA LLC AND
DOMINO'S PIZZA FRANCHISING LLC,

Defendants.

Civil Action No.: 1:17-cv-00149-LAP

**DECLARATION OF
DAVID J. WEINER**

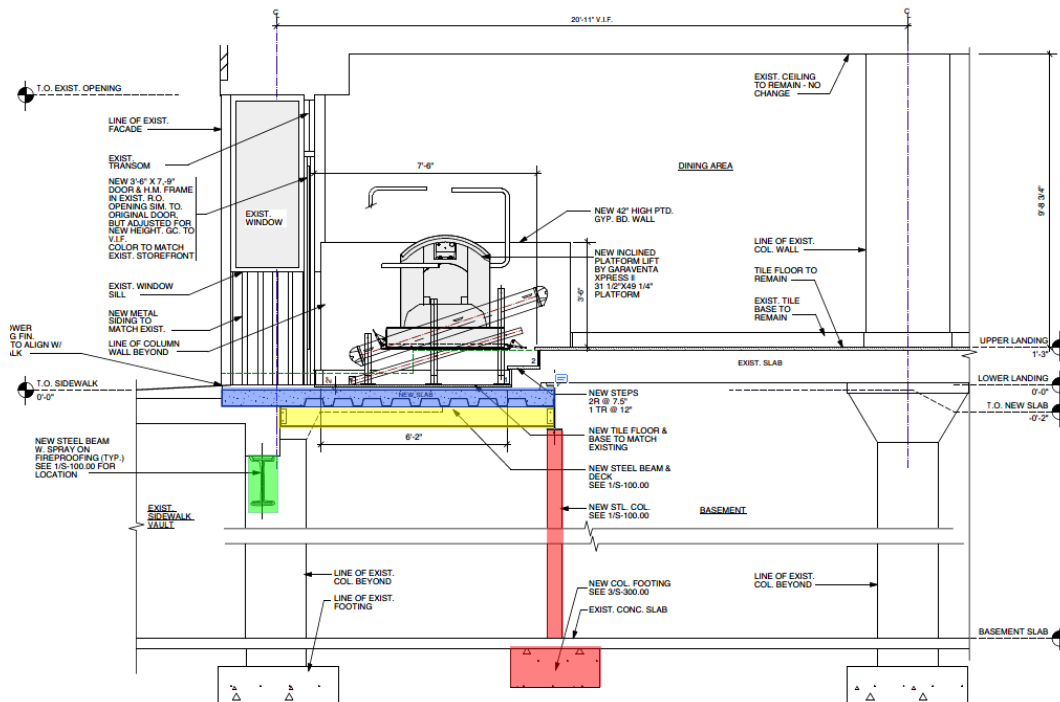
David J. Weiner, AIA, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am over the age of 18 and have personal knowledge of the following facts.
2. In February 2018, I was hired to design a permanent accessible entrance to the property located at 227 West 40th Street, New York, NY 10018 (the "Property").
3. I evaluated three options: (1) an interior ramp; (2) a vertical platform lift (i.e., a platform that moves in a vertical direction, similar to an elevator); and (3) an incline platform lift (i.e., a platform that moves up and down stairs in an inclined direction).
4. I prepared conceptual drawings for each of the three options for a permanent accessible entrance at the Property.
5. The conceptual drawing I prepared showing a permanent interior ramp at the Property is attached as **Exhibit "A."**
6. The conceptual drawing I prepared showing an incline platform lift at the Property is attached as **Exhibit "B."**

7. The conceptual drawing I prepared showing a vertical platform lift at the Property is attached as **Exhibit “C.”**

8. The architectural plans that I prepared for an incline lift at the Property are attached as **Exhibit “D.”**

9. The below image is a color-coded excerpt from the architectural plans for an incline lift that I prepared in collaboration with David Keane, a structural engineer. It reflects plan document “A-401.00,” which shows an elevation (or side) view of the incline lift, as well as additional elements to be installed to support that lift. Specifically, the new steel beam to be added to connect the existing building columns is identified in green, the new concrete floor to be installed at the same elevation as the public sidewalk is identified in blue, the new steel framing to support the floor is identified in yellow, and the new steel posts (with footings beneath the existing building foundation) to support the new concrete and framing are identified in red.




10. In addition to installing these structural elements, the design calls for the installation of an Xpress II Inclined Platform Lift, including providing appropriate power to that equipment.

11. To accommodate the new, lowered floor area and incline lift, the entrance door and framing would be replaced, new steps would be placed at locations set back farther from the entrance, and flooring material would be installed on top of the new slab to match what currently exists at the Property, among other modifications to existing site conditions.

12. Photographs that I took showing the underside of the first floor concrete slab in the basement of the Property, and the mechanical, electrical and/or plumbing conditions located there, are attached as **Exhibit “E”** and **Exhibit “F.”**

13. Based on the plans I prepared and my experience with similar projects, I would estimate that the construction to install an incline lift would require the business, which is in the food service industry, to close for between 3 to 4 weeks, and potentially longer if unforeseen conditions arise.

Dated: New York, New York
February 4, 2020


David J. Weiner